

Sayre



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Claim of Reading Municipal Airport
File: B-237448
Date: February 27, 1990

DIGEST

The Navy may ratify a commitment for a newspaper advertisement for which prior formal approval was not obtained.

DECISION

The issue in this decision is whether the Navy may ratify a contract with the Reading Municipal Airport for a portion of the cost of advertisements published in the Philadelphia Inquirer newspaper. The Navy questions whether it may pay the claim because the advertisements were published without prior written approval of the Navy.^{1/}

BACKGROUND

The advertisements were placed in the newspaper to publicize a Blue Angels Air Show at the Reading Municipal Airport and to solicit potential applicants for Naval officer programs. The airport, the Naval Recruiting District, Philadelphia, and the Naval Recruiting District, Harrisburg, agreed to share the cost of the advertisements. The newspaper, however, refused to bill the organizations separately and instead billed the airport for the entire cost. The airport is now seeking \$966.75 from the Naval Recruiting District, Philadelphia, for its one-third share of the cost.

Due to uncertainty about the agency to be billed, no prior written approval was sought by the Navy Recruiting District, Philadelphia, for the publication of these advertisements. However, the Navy Recruiting District, Philadelphia, states that the advertisements were the most cost effective way to reach a large target market of qualified recruits. The

^{1/} This decision was requested by Commander B.V. Buzzell, Commanding Officer, Navy Recruiting District Philadelphia, Department of the Navy.

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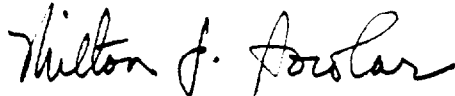
advertisements prompted a significantly larger response rate than previous general newspaper advertisements for recruits and a direct mail campaign to local area college students. In addition, there is evidence that the cost of the advertisements was fair and reasonable and at the usual commercial rate. Finally, the Navy Recruiting District, Philadelphia, states that measures have been taken to prevent future publication of newspaper advertisements without appropriate written authority.

OPINION

Section 3702 of title 44 of the United States Code provides that:

"Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority."

Although the Navy failed to follow the procedures set forth in this statute, we have held that an agency may ratify the contractual commitment to publish an advertisement in a newspaper under similar circumstances. New York Daily News, B-226248, May 13, 1987.^{2/} Therefore, since the agency benefitted from the publication, the price was the standard commercial rate, and the contracting official would have approved the request, we would not object to payment of this claim, if otherwise proper.



Acting Comptroller General
of the United States

2/ See also Federal Acquisition Regulation § 1.602-3.